

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )      Cause No. 1:11-cr-0086-JMS-KPF  
                                )  
BRADFORD RAINES,           )      - 01  
                                )  
Defendant.                 )

**REPORT AND RECOMMENDATION**

On December 23, 2014 and June 8, 2016, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on December 10, 2014. Defendant Raines appeared in person with his retained counsel James Voyles. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Phillips.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1.      The Court advised Defendant Raines of his rights and provided him with a copy of the petition. Defendant Raines waived his right to a preliminary hearing.
2.      After being placed under oath, Defendant Raines admitted violation 1. [Docket No. 66.]
3.      The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b>“The defendant shall not commit another federal, state, or local crime.”</b></p> <p>On December 4, 2016, the offender was arrested by the New Castle, Indiana, Police Department, and charged with battery (felony) and invasion of privacy (violation of a protection order, misdemeanor) that occurred on November 27, 2014. According to the police report, the offender grabbed the victim at her house after returning his daughter. The offender pinned the victim’s arms against her sides while pressing himself against her, and was demanding that the victim reestablish a relationship with him. The offender also held the victim by the arm in the garage while continuing to plead with her to rekindle their relationship. The offender eventually released her and left the victim’s residence. The offender is charged in Henry County, Indiana, case number 33C01-1412-F6-000126.</p>

On December 4, 2014, the offender violated a protection order and harassed the victim at a store in New Castle, Indiana. According to the police report, the offender approached the victim and his daughter from behind and then said, “boo” to them both. The victim left the store and the offender followed her in his vehicle. Additional charges of harassment and invasion of privacy (violation of a protection order) are pending in Henry County, Indiana.

4. The parties stipulated that:
  - (a) The highest grade of violation is a Grade C violation.
  - (b) Defendant’s criminal history category is I.
  - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

5. The parties jointly recommended a modification to defendant’s current conditions of supervised released to include participation in the Moral Reconation Therapy. Defendant is to remain on home detention as previously ordered.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be modified to include participation in a cognitive behavioral

program, such as Moral Reconation Therapy (MRT), at the direction of the probation officer and abide by the rules of the program. The justification for this condition is that MRT will assist Mr. Raines in facilitating the development of higher stages of moral reasoning. This condition imposed and justification was read and explained to the defendant. Defendant will remain on home detention until such time that probation deems it unnecessary. Defendant is released pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 06/13/2016



Denise K. LaRue  
United States Magistrate Judge  
Southern District of Indiana

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